

Message Text

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DRAFTED BY EUR/CE:RDAVIS

APPROVED BY EUR - MR. VINE

EUR/CE - MR. ANDERSON

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TO AMEMBASSY BERLIN IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

INFO AMEMBASSY BONN

USMISSION USBERLIN

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C O N F I D E N T I A L STATE 038046

E.O. 11652: GDS

TAGS: CGEN, PFOR, GE, FR, GW, US

SUBJECT: GDR-US CONSULAR TREATY NEGOTIATIONS

USNATO FOR SONNENFELDT AND HARTMAN

1. WE ARE APPROACHING THE END OF "ROUND ONE", THE JOINT READING OF THE TWO DRAFTS. A SMALL AMOUNT OF REDRAFTING HAS OCCURRED, AND THERE HAS BEEN SOME SWAP OFF OF ARTICLES BY BOTH SIDES. THE DROPPING OF LANGUAGE HAS NORMALLY FOLLOWED A DETERMINATION THAT IT IS REDUNDANT.

2. THERE ARE STILL FOUR UNDECIDED MATTERS OF REAL OR POTENTIAL IMPORTANCE: (A) THE GDR STATES THAT IT MUST HAVE A DEFINITION OF NATIONALITY, AND THE USG REFUSES. (B) THE
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GDR HAS EXTENDED ITS INSISTENCE ON A DEFINITION OF

NATIONALITY TO A REFUSAL TO ACCEPT, WITHOUT SUCH A DEFINITION, THE US PROVISION FOR REPRESENTING A DUAL NATIONAL, E.G., US ABILITY TO REPRESENT A US/GDR DUAL NATIONAL WHO HAS TRAVELED TO THE GDR ON A US PASSPORT WITH A GDR ENTRY VISA- (GDR REPS STATE THEY ARE NOT OPPOSED TO THE IDEA, BUT IT MUST BE LINKED TO A DEFINITION OF NATIONALITY.) (C) THE GDR REJECTS THE US PHRASE "WITHIN THE JURISDICTION OF THE RECEIVING STATE," AS A CIRCUMLOCUTION FOR "IN THE RECEIVING STATE." THIS PHRASE, WHICH BRINGS INTO QUESTION THE STATUS OF EAST BERLIN AS PART OF THE GDR, OCCURS IN

SEVERAL ARTICLES. (D) SO FAR, THE TWO SIDES HAVE NOT DISCUSSED THEIR DIFFERENCES ON THE TIME PERIODS WITHIN WHICH A CONSUL SHOULD BE NOTIFIED OF THE ARREST OF HIS NATIONAL (US - THREE DAYS, GDR - FIVE DAYS) AND WITHIN WHICH HE CAN FIRST VISIT THE DETAINED NATIONAL (US - FIVE DAYS, GDR - EIGHT TO TEN DAYS).

3. UPON COMPLETION OF THE TALKS, WE WILL PROPOSE THAT THE RESERVED ISSUES BE NOTED, AND THAT THE TWO SIDES REVIEW THEIR POSITIONS PRIOR TO A SECOND MEETING WHICH WE AGREE SHOULD BE IN BERLIN. KISSINGER

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